

1

IN THE CIRCUIT COURT OF KANAWHA COUNTY  
AT CHARLESTON, WEST VIRGINIA  
CIVIL ACTION NO. 84-C-2072

ROSALIE HAIGHT, JOHN HAIGHT; :  
ANDREW J. GOODWIN; CHARLES :  
FORBES and JUNE FORBES, : Deposition of:  
Plaintiffs, : GEORGE S. SHARP  
vs. :  
THE AMERICAN TOBACCO CO., a :  
division of American Brands, Inc.; :  
BROWN & WILLIAMSON TOBACCO :  
CORPORATION, LORILLARD DIVISION :  
OF LOEWS THEATRES, INC.; PHILIP :  
MORRIS, INCORPORATED; R. J. REYNOLDS :  
INDUSTRIES, INC.; LIGGETT GROUP :  
INC.; S.S.C.C. & B., INC; :  
McCANN-ERICKSON, INC.; FOOTE, :  
CONE & BELDING, INC.; LEO BURNETT :  
U.S.A.; WELLS, RICH, GREENE, INC.; :  
WILLIAM ESTY COMPANY, INC.; BATTEN, :  
BARTON, DURSTINE & OSBORNE, INC.; :  
THE BLOOM AGENCY; ANCHOR TOBACCO :  
CO.; and HECK'S INC., :  
Defendants. :

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TRANSCRIPT of testimony as taken by and  
before NANCY C. BENDISH, a Certified Shorthand  
Reporter and Notary Public of the State of New  
York, at the KB&T Building, Charleston, West  
Virginia, on Wednesday, February 19, 1986,  
commencing at 10:20 in the forenoon.

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689300955

1     A P P E A R A N C E S:

2             PREISER & WILSON

3             P. O. Box 2506

4             Charleston, West Virginia 25329

5             BY: JOSEPH M. FARRELL, ESQ.

6             For the Plaintiffs.

7

8             JACKSON, KELLY, HOLT & O'FARRELL

9             P. O. Box 553

10            Charleston, West Virginia 25322

11            BY: DENNIS C. SAUTER, ESQ.

12            For Brown & Williamson Tobacco Corporation.

13

14            KING, BETTS & ALLEN

15            P. O. Box 3394

16            Charleston, West Virginia 25333

17            BY: ROBERT B. KING, ESQ.

18            For Philip Morris.

19

20            DAVIS, BAILEY, PFALZGRAF, HALL & CLOVIS

21            P. O. Box 264

22            Parkersburg, West Virginia 26101

23            BY: F. RICHARD HALL, ESQ.

24            For The Bloom Agency.

25

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1 A P P E A R A N C E S : (Continued)

2 ROBINSON & MC ELWEE

3 P. O. Box 1791

4 Charleston, West Virginia 25326

5 BY: SARAH M. STUMP, ESQ.

6 E. GLENN ROBINSON, ESQ.

7 For Batten, Barton, Durstine & Osborne;

8 McCann-Erickson, Inc., and William Esty

9 Company.

10

11 HUDDLESTON, BOLEN, BEATTY, PORTER & COPEN

12 P. O. Box 2185

13 Huntington, West Virginia 25722

14 BY: FRED ADKINS, ESQ.

15 For Wells, Rich, Greene, Inc.

16

17 SPILMAN, THOMAS, BATTLE & KLOSTERMEYER

18 P. O. Box 273

19 Charleston, West Virginia 25321

20 BY: JOHN H. TINNEY, ESQ.

21 CARL L. FLETCHER, JR., ESQ.

22 For The Liggett Group.

23

24

25

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1 A P P E A R A N C E S (Continued):

2 WEBSTER & SHEFFIELD

3 One Rockefeller Plaza

4 New York, New York 10112

5 BY: ROBERT O. COHEN, ESQ.

6 For the Liggett Group.

7

8 KAUFFELT & KAUFFELT

9 P. O. Box 3082

10 Charleston, West Virginia 24331

11 BY: T. D. KAUFFELT, ESQ.

12 JAMES D. KAUFFELT, ESQ.

13 For The American Tobacco Company.

14

15 CHADBOURNE & PARKE

16 30 Rockefeller Plaza

17 New York, New York 10112

18 BY: THOMAS E. RILEY, ESQ.

19 For The American Tobacco Company.

20

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2 JENKINS, FENSTERMAKER, KRIEGER,

3 KAYES & FARRELL

4 P. O. Box 2688

5 Huntington, West Virginia 25726

6 BY: CHERYL A. EIFERT, ESQ.

7 For Lorillard Division of Loews Theatres,  
8 Inc.

9

10 BOWLES, MC DAVID, GRAFF & LOVE

11 P. O. Box 1386

12 Charleston, West Virginia 25325

13 BY: P. MICHAEL PLESKA, ESQ.

14 SARAH E. SMITH, ESQ.

15 For Reynolds Industries.

16

17 BARRETT, CHAFIN, LOWRY & HAMPTON

18 P. O. Box 402

19 Huntington, West Virginia 25708

20 BY: LAFE C. CHAFIN, ESQ.

21 For S.S.C.C. & B.

22

23

24

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1 A P P E A R A N C E S (Continued):

2 STEPTOE & JOHNSON

3 P. O. Box 2190

4 Clarksburg, West Virginia 26302

5 BY: WILLIAM E. GALEOTA, ESQ.

6 For The Anchor Tobacco Company.

7

8 CAMPBELL, WOODS, BAGLEY,

9 EMERSON, MC NEER & HERNDON

10 P. O. Box 1835

11 Huntington, West Virginia 25722

12 BY: DAVID C. RAY, ESQ.

13 For Leo Burnett Co.

14

15 SHUMAN, ANNARD & POE

16 P. O. Box 3084

17 Charleston, West Virginia 25331

18 BY: R. FORD FRANCIS, ESQ.

19 For Heck's, Inc.

20

21

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1 A P P E A R A N C E S : (Continued)

2 SHOOK, HARDY & BACON

3 Twentieth Floor

4 Mercantile Bank Tower

5 1101 Walnut Street

6 Kansas City, Missouri 64106

7 BY: WILLIAM J. CRAMPTON, ESQ.

8 For Philip Morris.

9

10 GOODWIN & GOODWIN

11 1717 Charleston National Plaza

12 Charleston, West Virginia 24331

13 BY: JOSEPH R. GOODWIN, ESQ.

14 B. KARLETON KESNER, ESQ.

15 For FCB Advertising.

16

17

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I N D E X

WITNESS DIRECT

GEORGE S. SHARP

Mr. Kauffelt 9

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1 G E O R G E S. S H A R P, sworn.

2 DIRECT EXAMINATION BY MR. KAUFFELT:

3 Q. Mr. Sharp, as you know, I know you're  
4 a member of the Bar. I would like to introduce  
5 myself, although we've known each other for many  
6 years. I'm T.D. Kauffelt with the firm of  
7 Kauffelt & Kauffelt. To my left is James D.  
8 Kauffelt of the same firm, and on my right is Mr.  
9 Riley with the firm of Chadbourne & Parke in New  
10 York City. I think you know many, if not all, of  
11 these people here.

12 A. I know.

13 Q. We represent American Brands. The  
14 people in the room, other than Mr. Farrell, are  
15 involved with one of the other defendants. If you  
16 would like me to have them introduce themselves.

17 A. That's not necessary.

18 Q. If you want to break, we'll take a  
19 break occasionally. If you want to break at any  
20 time you feel you want one, let me know. I'll try  
21 and be as clear as I can. If I'm not clear, let  
22 me know that and I'll rephrase the question. But  
23 if you answer, I'll assume that you understand the  
24 question and are giving me your best answer in  
25 response to it.

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G. Sharp

10

1 A. Fine.

2 Q. Would you state your full name?

3 A. George S. Sharp.

4 Q. S?

5 A. Stewart, S-t-e-w-a-r-t, is the middle name.

6 Q. Ever use any nicknames, Mr. Sharp?

7 A. No.

8 Q. What is your date and place of birth?

9 A. [DELETED]

10

11 Q. And you're an American citizen I'm  
12 sure?

13 A. I think so, yes.

14 Q. What is your religion?

15 A. I'm a Protestant.

16 Q. What's your current address?

17 A. [DELETED]

18

19 Q. Do you own that home?

20 A. Yes.

21 Q. It's a condominium?

22 A. Yes.

23 Q. You own that?

24 A. Yes.

25 Q. Who else lives in the house with you?

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G. Sharp

11

1 A. There's 32 condominiums there.

2 Q. In your apartment?

3 A. Oh, my wife and I.

4 Q. Your wife's name is Vivienne?

5 A. Right.

6 Q. How long have you lived there?

7 A. About 11 years.

8 Q. Where did you live prior to that?

9 A. No. 1 Grosscup Road, Charleston.

10 Q. And where is that?

11 A. South Hills, corner of Grosscup and Bridge  
12 Road when you go up there.

13 Q. How long had you lived there?

14 A. About 15 years.

15 Q. Who lived there with you when you  
16 were there?

17 A. My wife and four children.

18 Q. What are the names of your children,  
19 Mr. Sharp, and ages as well as you can remember  
20 them?

21 A. My son Wade is 39. My daughter Lindsay is  
22 37. My daughter Ellen is 35. My daughter Dana is  
23 32.

24 Q. Are any of your children living in  
25 Charleston?

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G. Sharp

12

1 A. No.

2 Q. Where are they now residing?

3 A. Well, my son lives in Ithaca, New York. My  
4 daughter Lindsay lives in Nashville, Tennessee.

5 My daughter Ellen lives in McLean, Virginia; and  
6 my daughter Dana lives in Washington, D.C.

7 Q. You indicated you were born in  
8 Marlinton, West Virginia.

9 A. Right.

10 Q. Were you also raised there?

11 A. Yes.

12 Q. Did you attend school there?

13 A. Yes. I went through grade school and high  
14 school there. I went a year to Greenbrier  
15 Military School.

16 Q. Where is that located?

17 A. At Lewisburg, West Virginia.

18 Q. Is that your last year of high school?

19 A. Post-graduate course.

20 Q. And what was your education after  
21 that?

22 A. I went to West Virginia University, got my  
23 AB degree there.

24 Q. What year?

25 A. 1942. And then after World War II I came

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G. Sharp

13

1 back and got my law degree. That was in '48.

2 Q. And did you not go to law school at  
3 all before the war?

4 A. One year. You took two years or three years  
5 of AB and one year of law school and you got your --

6 Q. AB degree?

7 A. Right.

8 Q. And then you came back from the  
9 service in what year?

10 A. '46.

11 Q. And graduated from law school in what  
12 year?

13 A. In '48 as I recall.

14 Q. In the spring of '48?

15 A. Yes.

16 Q. When did you first know John and  
17 Rosalie Haight?

18 A. Oh, I knew them in school.

19 Q. What was your position in school in  
20 relation to Rosalie and John?

21 A. Rosalie was a year ahead of me in school.  
22 John I guess was a couple years ahead of me as I  
23 recall.

24 Q. Now, do you recall when you met the  
25 Hights or when you met Rosalie O'Neale at that

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G. Sharp

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1 time?

2 A. No, I don't remember the occasion.

3 Q. Do you remember knowing them during  
4 some or all of your years at Morgantown?

5 A. Oh, yeah, sure.

6 Q. And what was your relationship with  
7 Rosalie at that time?

8 A. Well, she was our platoon sponsor in ROTC  
9 and I used to walk behind her in all the parades.  
10 Then I used to date someone down at the Pi Phi  
11 house. John Haight and Rosalie were always there.  
12 She was Pi Phi.

13 Q. Did you become friends with them then?

14 A. Yes.

15 Q. Or just acquaintances?

16 A. Acquaintances.

17 Q. Did you double-date with them at all?

18 A. No.

19 Q. And you didn't date Rosalie?

20 A. No.

21 Q. Now, how well did you know John  
22 during those years before the war?

23 A. Not too well, just to speak to. He was  
24 ahead of me. He was not a fraternity brother or  
25 anything like that.

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G. Sharp

15

1 Q. Do you know what fraternity he  
2 belonged to?

3 A. Let's see, he was a Phi Sig as I recall.  
4 I'm not sure.

5 Q. And what fraternity did you belong to?

6 A. The same one you did, Beta.

7 Q. Beta Theta Pi?

8 A. Right.

9 Q. Would you describe your dealings with  
10 the Hights, Rosalie and John, during the years  
11 they were in Morgantown as casual and not intimate  
12 friends?

13 A. Yeah, it would be just casual. I think  
14 Rosalie and I had some classes together and ROTC,  
15 few things like that.

16 Q. You were in the service, weren't you?

17 A. Yes. Marine Corp.

18 Q. And you were a major in the Marine  
19 Corp.?

20 A. Right.

21 Q. You were overseas, I believe, weren't  
22 you?

23 A. Right.

24 Q. Took place in a number of the  
25 engagements the Marines had?

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G. Sharp

16

1 A. Yes.

2 Q. Which one?

3 A. Okinawa, South Pacific, China. I came home  
4 from China.

5 Q. And you were discharged with the rank  
6 of what rank?

7 A. Major.

8 Q. Did you stay in the Marine Corp.  
9 Reserve after you got out?

10 A. For a while.

11 Q. Did you have to go back in the Korean  
12 War?

13 A. No.

14 Q. Now, you are married, I believe, to  
15 Vivienne Sharp?

16 A. Yes.

17 Q. Was that your -- when were you  
18 married to Vivienne?

19 A. 1946.

20 Q. 1946?

21 A. Right.

22 Q. And where were you married?

23 A. Los Angeles, California.

24 Q. And was Mrs. Sharp from Los Angeles?

25 A. She was from Los Angeles, right.

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G. Sharp

17

1 Q. And you brought her back to Marlinton?

2 A. Right. Big deal.

3 Q. After you got out of the service and  
4 went back to law school, did you have any dealings  
5 with either John or Rosalie during the two years  
6 you were in Morgantown to finish your law degree?

7 A. No. Because they were out of school and  
8 living here in Charleston. I was in Morgantown in  
9 Marlinton.

10 Q. When you left law school, where did  
11 you go?

12 A. I went back to Marlinton. Practiced there  
13 for eight years.

14 Q. From what time to what time, do you  
15 recall?

16 A. About from '48 to '56.

17 Q. What was the arrangement of your  
18 practice there?

19 A. Well, I was a prosecuting attorney for four  
20 years. The other four I practiced with my father,  
21 just a two-man office.

22 Q. Doing general practice?

23 A. Everything, right.

24 Q. Now, during that period that you were  
25 practicing law in Marlinton, did you have any

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G. Sharp

18

1 contact with John and Rosalie Haight?

2 A. It would only be incidental. If I saw them  
3 here in Charleston or something like that.

4 Q. Do you recall specifically that you  
5 did see them?

6 A. I do not, no. I can't say.

7 Q. At that time you were not close  
8 friends?

9 A. No.

10 Q. Now, where did you go from your  
11 position in Marlinton as practicing law with your  
12 father?

13 A. I came to Charleston.

14 Q. And what was your position here?

15 A. I came here as Compensation Commissioner. I  
16 was there for about a year-and-a-half.

17 Q. And what did you do after you left  
18 the Compensation Commission?

19 A. I joined the law firm of Kay, Casto & Chaney.

20 Q. And have been so --

21 A. Have been there ever since.

22 Q. You're a partner in that firm, I  
23 assume?

24 A. Yes.

25 Q. Were you ever married before?

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G. Sharp

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1 A. No.

2 Q. Was your wife ever married before?

3 A. No.

4 Q. Now, at the time you joined as an  
5 associate or as a partner in the firm of Kay,  
6 Casto & Chaney, did you become re-acquainted with  
7 John and Rosalie Haight?

8 A. Right.

9 Q. Did you have -- I assume you had an  
10 association with John at the office, did you not?

11 A. Oh, yeah. We were very close at the office.

12 Q. And have been good friends ever since?

13 A. Right.

14 Q. Did you have much contact with  
15 Rosalie Haight during those years?

16 A. Yeah, we partied together on weekends and go  
17 to dances, go back and forth to each other's homes.

18 Q. Let's start out, say, immediately  
19 after your coming to Charleston and before you  
20 went with the firm. Did you see them at all?

21 A. Oh, I'd see them sometimes at dances and  
22 things like that.

23 Q. Did you become particularly, renew  
24 your friendship at that time?

25 A. No. Because after I joined the firm we

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G. Sharp

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1 became closer friends.

2 Q. After you joined the firm, did a  
3 friendship -- you renewed your friendship. How  
4 did it develop? Did you immediately start  
5 associating with them?

6 A. Yeah. They belonged to some of the same  
7 organizations we did. We'd go to each other's  
8 homes.

9 Q. In the early period there when you  
10 came here, how often would that take place?

11 A. Probably at least every weekend or so.

12 Q. You would meet them several times a  
13 month, is that what you're saying?

14 A. Yeah, right.

15 Q. Either at your home or their's?

16 A. Right.

17 Q. Now, I believe you joined the firm in  
18 mid-1958, am I correct?

19 A. Yeah.

20 Q. At the time you first knew the  
21 Hights when you started living in Charleston, did  
22 they have any children at the time?

23 A. Yes. Let's see, they had two at that time.  
24 I think Pat was born later, I believe.

25 Q. Were your children younger or older

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G. Sharp

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1 than the Haight children?

2 A. Let's see. I'm trying to think. I think my  
3 son and oldest daughter were older than the  
4 Haight's children. My youngest, I guess she was a  
5 little bit older than their youngest child.

6 Q. Were the children friends, your  
7 children and the Haight children?

8 A. Not too close, no. They lived in Kanawha  
9 City. They had their own friends. We lived in  
10 South Hills and our children had their own friends.

11 Q. So they didn't, as we'd say, run  
12 around together at all?

13 A. No, they did not.

14 Q. Did they meet occasionally in family  
15 circumstances?

16 A. Oh, if we'd have picnics or dinners or  
17 something they would, yeah.

18 Q. But was that a frequent thing?

19 A. No.

20 Q. Approximately how often?

21 A. Oh, maybe three or four months, something  
22 like that.

23 Q. Now, were there firm functions that  
24 you attended?

25 A. Yes, we'd have sometimes firm parties once

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G. Sharp

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1 or twice a year.

2 Q. And would you and your family be  
3 there?

4 A. Right.

5 Q. And the Hights would be there?

6 A. Right.

7 Q. And generally all the firm's members  
8 who could as a general proposition?

9 A. Yeah.

10 Q. I assume that Vince Chaney and his  
11 wife and family would be attending those also?

12 A. Yeah.

13 Q. You're familiar, I'm sure, but for  
14 the record you're familiar with the fact that Mrs.  
15 Chaney and Mrs. Haight were sisters?

16 A. Right.

17 Q. When you say you would go to their  
18 home and they would come to your home during those  
19 years, what type of activities took place?

20 A. Would be mostly eating.

21 Q. Have a drink?

22 A. Have some drinks; eat, mainly.

23 Q. Who else would be at these functions  
24 that you would have, can you tell me that?

25 A. Well, sometimes mutual friends.

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G. Sharp

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1 Q. Can you name some of those people.

2 A. Let's see. I can't remember. That's too  
3 far back.

4 Q. In that relationship that we're  
5 talking about shortly after you joined the firm,  
6 did the frequency of your contact with the Haight's  
7 remain the same all the time, or did it have its  
8 ups and downs?

9 A. Well, there were ups and downs. There would  
10 be periods when they'd be busy, we'd be busy and  
11 wouldn't see each other for a while.

12 Q. But substantially the same over all  
13 these years, is that what you're saying?

14 A. Well, tapered off. John didn't like to go  
15 out too much. I got to the point that going to  
16 dances and things wasn't any great thrill for me.  
17 So all those things gradually tapered off.

18 Q. Do you know whether Rosalie liked to  
19 go out more than John?

20 A. I'd say for probably some time before that,  
21 I think John didn't particularly like it, so, as a  
22 result, probably they didn't go out as much as  
23 they had formerly.

24 Q. Over what period are we talking about?  
25 You indicated the first few years you joined the

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1 firm which would have been about '58 or so.

2 A. Yeah.

3 Q. You did see them quite often?

4 A. Oh, yeah.

5 Q. But it tapered off to some extent?

6 A. Yes.

7 Q. Over what period of time are we  
8 talking about that tapered off?

9 A. Oh, ten years or so, 15 years.

10 Q. Now, would you say that your  
11 friendship with the Hights was more with John  
12 than Rosalie?

13 A. No, it was about equal. Except I saw John a  
14 lot more. I'd see him every day. We'd talk every  
15 day.

16 Q. Did you enjoy talking to Rosalie?

17 A. Oh, sure.

18 Q. And did you frequently when you were  
19 at social occasions?

20 A. Sure.

21 Q. It wasn't a question that you would  
22 talk only to the men and you wouldn't talk to  
23 Rosalie?

24 A. No. I'm ambidextrous.

25 Q. Now, did you have any association

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G. Sharp

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1 with Rosalie other than through connection with  
2 the office and friends of John? You all didn't  
3 join in meetings together or on boards together or  
4 something of that sort?

5 A. No.

6 Q. Strictly the family?

7 A. Yes.

8 Q. Your wife and you and Rosalie and  
9 John?

10 A. Yes.

11 Q. And other people, of course.

12 A. Right.

13 Q. Now, were you at the -- were you  
14 close enough friends with the Hights to have been  
15 invited to their wedding when they were married?

16 A. No, I did not attend their wedding. I'm  
17 sure I wasn't invited. I think that was during  
18 the war and everybody was scared all to the devil.

19 Q. And you were married right after the  
20 war?

21 A. Right.

22 Q. They were not at your wedding?

23 A. No.

24 Q. And would not have been invited  
25 normally as the relationship was at that time?

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G. Sharp

26

1 A. Right.

2 Q. Even if it hadn't been in California?

3 A. Right.

4 Q. What was the relationship between  
5 your wife Vivienne and Rosalie Haight?

6 A. They were pretty close. They'd usually go  
7 back and forth during the day, see each other.

8 Q. And in what period did that begin?

9 A. Oh, soon after we joined the firm or after I  
10 joined the firm. They became very good friends.

11 Q. And did they remain that good friends?

12 A. Yes.

13 Q. Did they visit occasionally in each  
14 other's homes?

15 A. Oh, yeah, sure.

16 Q. When you weren't there?

17 A. Yes.

18 Q. How often did that happen?

19 A. Oh, gosh, I don't know. They would drop in  
20 on each other.

21 Q. Did they talk on the phone  
22 occasionally?

23 A. I'm sure they did, yeah.

24 Q. And how would you describe their  
25 relationship?

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G. Sharp

27

1 A. They had a good friendly relationship.

2 Q. Close friends?

3 A. Yeah, I'd say so.

4 Q. Do you think they were close that  
5 they talked about intimate things with each other,  
6 confided in each other?

7 A. My God, I don't know what women talk about.  
8 I have no idea.

9 Q. Do you have grandchildren?

10 A. Three.

11 Q. Which of your children have  
12 grandchildren?

13 A. My daughter Ellen has two children with Jack  
14 Field. My daughter Lindsay has a daughter with  
15 Phil Trella, her husband.

16 Q. Mr. Sharp, did you have siblings?

17 A. I had a sister about seven years older than  
18 I am. I had a brother who died before I was born.  
19 About nine years older, had he lived.

20 Q. And you did not know him?

21 A. No.

22 Q. Is your sister living?

23 A. Yes, she lives in Clearwater, Florida.

24 Q. Is she married?

25 A. She is married.

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G. Sharp

28

1 Q. And lives there with her husband?

2 A. Right.

3 Q. What was her occupation?

4 A. Oh, she started out teaching Phys. Ed.,  
5 school teacher, and she was married and then she  
6 became a housewife.

7 Q. Did she have children?

8 A. No.

9 Q. No children?

10 A. No.

11 Q. Does your sister know Rosalie Haight?

12 A. Oh, yeah.

13 Q. When did they meet?

14 A. Well, when my sister and her husband would  
15 visit us, why, we'd get together. It was after we  
16 moved to Charleston.

17 Q. And on how many occasions would that  
18 have taken place?

19 A. Oh, maybe once or twice a year.

20 Q. Did they live in Florida all that  
21 period?

22 A. No. They lived in Pittsburg at that time.

23 Q. When did they move to Florida?

24 A. I expect six years ago.

25 Q. After her husband retired?

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G. Sharp

29

1 A. Yes.

2 Q. She came to Charleston on occasion?

3 A. Yeah, they would visit us in Charleston. So  
4 I'm sure she would know Rosalie.

5 Q. How would you describe their  
6 relationship?

7 A. Oh, it would just be, not close. Just  
8 because they were friends of ours. My sister had  
9 more contact with Caroline Chaney than she did  
10 with Rosalie.

11 Q. What is your sister's name?

12 A. Jean Guild, G-u-i-l-d.

13 Q. And what is her husband's name?

14 A. John Guild.

15 Q. Do you recall whether your sister  
16 knew Caroline Chaney?

17 A. Oh, yes.

18 Q. Under the same circumstances?

19 A. Well, she knew Caroline more. We used to  
20 visit in Pittsburg, pick games and things and we'd  
21 always spend a weekend together.

22 Q. The Hights would not go?

23 A. No.

24 Q. You would go with the Chaney's?

25 A. No. John was very opposed to football games.

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G. Sharp

30

1 Q. You liked to go and the chain knees  
2 liked to go?

3 A. Right. We went two or three times a year.

4 Q. And they would meet -- you are  
5 telling me that your sister, when she was living  
6 particularly in the Pittsburg period, knew the  
7 Chaneys better than the Haight's?

8 A. Yes.

9 Q. What was her relationship with  
10 Caroline Chaney?

11 A. Well, she just met her through us, through  
12 my wife and I.

13 Q. Did they become particularly good  
14 friends?

15 A. Well, not real close friends but I know any  
16 time when they were in Pittsburg they'd go to the  
17 football games or something like that or the games  
18 in Morgantown, go to the theatre and have dinner  
19 together and different things.

20 Q. What did you say your sister taught  
21 when she was a teacher?

22 A. Phys. Ed., mainly.

23 Q. Would that indicate that she was  
24 somewhat athletic?

25 A. Yes.

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G. Sharp

31

1 Q. And good at sports?

2 A. Yes.

3 Q. Did she smoke?

4 A. Yes.

5 Q. All of her life?

6 A. No, she quit some years ago.

7 Q. Do you recall when?

8 A. Must have been 15 or 20 years ago.

9 Q. Do you know why she quit?

10 A. I think she and her husband just decided  
11 they'd quit.

12 Q. Just did it then?

13 A. Just did it.

14 Q. How long ago would you say?

15 A. I'd say 15 or 20 years ago.

16 Q. After they initially quit, did they  
17 ever start smoking again?

18 A. Not that I know of, no.

19 Q. Did they ever discuss smoking with  
20 you?

21 A. No.

22 Q. Do you ever recall your sister when  
23 she was discussing smoking with Rosalie Haight?

24 A. No.

25 Q. Do you ever recall that she discussed

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G. Sharp

32

1 it with Caroline Chaney?

2 A. I doubt it.

3 Q. You don't recall that?

4 A. No.

5 Q. Your sister quit. Was she  
6 particularly opposed to smoking?

7 A. No. I mean, why they quit I don't know.

8 Q. They just decided to do it but they  
9 weren't crusading about it?

10 A. No, no.

11 Q. Were you familiar with the activities  
12 of Rosalie Haight outside of her home, you know,  
13 like the schools her children attended or  
14 associations?

15 A. Well, Rosalie was very much of a homebody,  
16 housekeeper. I think she used to work in the yard  
17 a lot.

18 Q. What type of things did she do in the  
19 yard?

20 A. Well, flowers, vegetables, things like that.

21 Q. Did you see her do those things or  
22 just hear of it?

23 A. Oh, I'm sure I have. I know they were done.

24 Q. Do you recall seeing her working in  
25 the yard with her flowers or vegetables?

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G. Sharp

33

1 A. I doubt it because sometimes you'd be there  
2 she wouldn't be working in the yard. But she'd  
3 always be proud of things that she raised and all.

4 Q. She would have mentioned it to you?

5 A. Oh, sure.

6 Q. And John might have mentioned it to  
7 you?

8 A. Yeah.

9 Q. Do you know what she used in  
10 gardening? Did she use fertilizers?

11 A. I would have no idea.

12 Q. You don't recall seeing her using any  
13 of those things?

14 A. No.

15 Q. Do you ever recall it being discussed?

16 A. No.

17 Q. Now, during the period that you were  
18 in Morgantown and knew Rosalie and John, did  
19 Rosalie ever date anyone else or a friend of yours?

20 A. I think they went steady the whole time I  
21 was there.

22 Q. You're saying you don't recall her  
23 dating anyone else?

24 A. No.

25 Q. And John either?

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G. Sharp

34

1 A. No.

2 Q. You indicated you dated at the  
3 sorority house, Pi Phi house where Rosalie was a  
4 member.

5 A. Right.

6 Q. Did the girls you date there have a  
7 close relationship with Rosalie?

8 A. Oh, I'm sure they did.

9 Q. Who were they? Can you tell us who  
10 those were?

11 A. Let's see. Edie Faulk from Wheeling, Liz  
12 Bailey from Bluefield.

13 Q. Do you know their married names?

14 A. No. You'd probably know them, T.D.

15 Q. I don't know any of them.

16 MR. TINNEY: Swear that man in.

17 Q. But those are the ones you recall?

18 A. Yeah.

19 Q. And are those girls you mentioned  
20 that you dated down there?

21 A. Yeah, I dated some of them. Millie Moon was  
22 there. I know you'd know Millie Moon. I dated  
23 her.

24 Q. They were all friends of Rosalie. Do  
25 you know Millie Moon's married name?

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G. Sharp

35

1 A. No. I understood she's living down in the  
2 valley someplace raising chickens.

3 Q. What valley?

4 A. Kanawha Valley. I'll try to find her  
5 address for you.

6 Q. I'd appreciate it. I'll call you  
7 about that.

8 The people you've mentioned, were  
9 they particularly close to Rosalie to your  
10 knowledge or are you mentioning them because they  
11 were in the sorority house?

12 A. Well, I don't know, what did they have, 15  
13 or 20 girls in the house. I'm sure they were all  
14 friendly, just like we were at the Beta house.

15 Q. Do you recall the smoking habits of  
16 any of the girls that you were dating at the Pi  
17 Phi house?

18 A. I think they all smoked. I don't know.

19 Q. Do you recall any rules at the house  
20 of whether you were allowed to smoke when you were  
21 there; was there any opposition to it?

22 A. Nobody ever jumped on me about it.

23 Q. Did you smoke at that time?

24 A. Sure.

25 Q. You mentioned that Rosalie Haight was

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G. Sharp

36

1 an ROTC sponsor?

2 A. Yes.

3 Q. Do you recall who other ROTC sponsors  
4 might have been?

5 A. T.D., you're going back too far. I believe  
6 Millie Moon was one. I can't remember the rest of  
7 them. Jane Downs was one, I think. I don't know.  
8 Jane Greer was one.

9 Q. You're coming right along. What did  
10 a sponsor do?

11 A. Oh, it was an honorary thing. They were  
12 elected, got into uniform and lead the platoon or  
13 the company and just make our ROTC more  
14 interesting.

15 Q. Now, do you recall other people in  
16 your platoon at that time that may have been  
17 friends of Rosalie's?

18 A. Friends of Rosalie's. Bernard Zappin,  
19 Lieutenant Commander, but I'm sure Rosalie and he  
20 weren't friends. No, I don't remember who was in  
21 the platoon.

22 Q. Were you in ROTC all those four years  
23 you were in Morgantown?

24 A. No. I had a year at Greenbrier and a year  
25 up in Morgantown. Then they said I couldn't see

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G. Sharp

37

1 so I didn't go into advance. I wasn't accepted.

2 Q. Did you engage in sports when you  
3 were in high school?

4 A. I played football in high school, football  
5 and wrestling in Greenbrier and football in  
6 Morgantown.

7 Q. How long did you play football at  
8 Morgantown?

9 A. I placed freshman ball and then two years of  
10 varsity and the dean said you can play football or  
11 go to law school but you can't do both. So I had  
12 to quit football.

13 Q. Did they miss you on the team?

14 A. Oh, I'm sure they did.

15 Q. Were you on scholarship?

16 A. No.

17 Q. You were what they call these days a  
18 walk-on?

19 A. Walk-on, right. That was during the  
20 depression. Everybody was poor then.

21 Q. Did you smoke all the time in  
22 Morgantown?

23 A. Yes.

24 Q. Did your coach ever say anything to  
25 you about smoking?

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G. Sharp

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1 A. Hell, I didn't smoke in front of the coach.

2 Q. But you did smoke all during that  
3 period of time?

4 A. Right.

5 Q. Did the coach ever lecture the team  
6 about smoking or try and get them to stop?

7 A. No. He was mostly concerned with them  
8 stealing towels when we went on a football trip.

9 Q. Who was your football coach, by the  
10 way?

11 A. Bill Kern and Sleepy Glenn.

12 Q. What has been the condition of your  
13 health over the years?

14 A. Very good.

15 Q. Have you had any lung problems or  
16 bronchitis or hoarseness, things of that sort?

17 A. I just can't run as far as I used to.

18 Q. Have you ever had any cancer of any  
19 kind?

20 A. No.

21 Q. Have you ever had asthma?

22 A. No.

23 Q. Allergies?

24 A. No.

25 Q. Mrs. Sharp, Vivienne Sharp, was she

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G. Sharp

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1 in good health?

2 A. Oh, yeah. She was in the Navy and she was  
3 in excellent health. Still is.

4 Q. She's had no serious problems with  
5 her health?

6 A. No.

7 Q. She hasn't had any lung or breathing  
8 problems or had any cancer or anything of that  
9 sort?

10 A. No. She's one of these crazy joggers,  
11 tennis players and so on.

12 Q. Does she smoke?

13 A. Yeah, she smoked a long time. Then she's  
14 quit probably at least 100 times. Once in a while  
15 now she smokes but not very often.

16 Q. When you say she's quit often, when  
17 she would quit how often would she stay off of  
18 cigarettes?

19 A. Oh, a month or two, three.

20 Q. Would she just stop suddenly and then--

21 A. Start again.

22 Q. But wouldn't try to taper off or  
23 anything of that sort?

24 A. Right.

25 Q. Her health is good you say?

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G. Sharp

40

1 A. Oh, yes.

2 Q. Your children, did they have any  
3 unusual health problems?

4 A. No, they're all in good health.

5 Q. And have been, other than the usual  
6 childhood situations?

7 A. Right.

8 Q. Do you have regular checkups?

9 A. Oh, every year or two.

10 Q. Did you ever decide you were  
11 interested to stop smoking?

12 A. No, I don't think I have been.

13 Q. You never tried to stop?

14 A. No.

15 Q. What has been your habit, how much  
16 have you smoked?

17 A. A couple packs a day.

18 Q. That's what you're smoking at this  
19 time?

20 A. Right.

21 Q. You started when you were how old?

22 A. 17, I guess.

23 Q. And did your smoking build up  
24 gradually to that two packs a day?

25 A. I'm sure it did, right.

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G. Sharp

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1 Q. And when you were in college, how  
2 much were you smoking?

3 A. Maybe a pack a day.

4 Q. And you built up from that time to  
5 this, rather gradually?

6 A. Right.

7 Q. When you were in the service, did it  
8 increase? Was there stress in the service that  
9 made it increase?

10 A. Yeah, it was stress but, the damn idiots,  
11 they'd take all the good cigarettes and all we'd  
12 get up in the front lines were Chesterfield, and I  
13 didn't like them very much.

14 Q. What cigarettes were you smoking?

15 A. I smoked Lucky.

16 Q. Lucky Strikes?

17 A. Yes.

18 Q. Those are the first cigarettes you  
19 smoked?

20 A. Yes.

21 Q. And you smoked those for how long?

22 A. Gee, I don't know.

23 Q. Approximately?

24 A. T.D., I don't know. I used to smoke Philip  
25 Morris after that and then I started on Marlboros.

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G. Sharp

42

1 Q. Approximately when did you start with  
2 Marlboros?

3 A. 20 years ago.

4 Q. And why did you switch?

5 A. I don't know.

6 Q. Did the filter have anything to do  
7 with it?

8 A. Probably, yeah.

9 Q. Did you ever discuss smoking with  
10 Rosalie Haight?

11 A. No.

12 Q. Did you ever discuss the brands you  
13 each liked or smoked?

14 A. I don't think we did that, no.

15 Q. Did you ever hear a discussion  
16 between John and Rosalie about her smoking?

17 A. I don't believe so, no.

18 Q. Did John ever discuss with you how he  
19 felt about her smoking?

20 A. I don't know. I don't believe so, no. He  
21 used to give me hell for smoking but I don't know  
22 if he ever said anything to her.

23 Q. In your presence at least?

24 A. Right.

25 Q. And he didn't discuss with you any

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G. Sharp

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1 conversations he was having with her or attempts  
2 to get her, persuade her to stop?

3 A. No, not that I know, no.

4 Q. What period did John indicate that  
5 you should stop smoking? Or is that what he said  
6 to you? You said he commented on your smoking.

7 A. Yeah, I think it was probably back 10 years,  
8 15 years ago, something like that.

9 Q. What did he say about it?

10 A. Oh, you know, smoking those damn cigarettes.  
11 He said you and Tiley are going to regret it,  
12 something like that.

13 Q. And did he continue that type of  
14 comment over some period of time?

15 A. Oh, yeah.

16 Q. Is he still commenting, doing that as  
17 of right now, on occasion?

18 A. Right.

19 Q. Did John ever tell you that it was  
20 bad for your health?

21 A. Oh, I'm sure. I'm sure he did.

22 Q. Do you recall what he said about it?

23 A. No, I don't know. I have no idea.

24 Q. Did John Haight object to your coming  
25 into his office and smoking in there?

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G. Sharp

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1 A. No, I don't think so, no.

2 Q. Did you do that?

3 A. Yeah.

4 Q. If you were smoking you wouldn't  
5 hesitate to walk in there?

6 A. Oh, no.

7 Q. Did he have an ashtray in the room?

8 A. Yes.

9 Q. Do you recall John Haight's smoking  
10 habits?

11 A. Years ago I think John used to smoke a few  
12 cigars, but I think mainly that was it.

13 Q. Do you recall him smoking cigarettes?

14 A. I don't believe so, no.

15 Q. When was the last time you recall his  
16 having a cigar?

17 A. That would be several years ago.

18 Q. And when you recall seeing him with a  
19 cigar, how often would he do that?

20 A. Oh, not too often, I don't know. Maybe once  
21 a day or something, if that often.

22 Q. And you say that stopped about -- the  
23 last time you remember him smoking a cigar would  
24 be how long?

25 A. Be several years ago, ten years, 15 years,

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G. Sharp

45

1 something like that.

2 Q. Do you recall that John Haight ever  
3 had any health problems relating to smoking,  
4 breathing or his lungs?

5 A. No.

6 Q. What has John's health been generally  
7 as you recall?

8 A. Generally it's good.

9 Q. Is he rarely missing work?

10 A. Very seldom.

11 Q. Now, were you aware of the suit in  
12 which we're taking this deposition, before it was  
13 instituted? Were you involved in talking about it?

14 A. No.

15 Q. How did you first learn it was about  
16 to be or was either about to be or had been  
17 instituted?

18 A. I think John told me, as I recall. I think  
19 he indicated he and Charlie Forbes and Jack  
20 Goodwin were going to institute the suit. Either  
21 were going to or had, I forget which.

22 Q. Did he ask your opinion about it in  
23 any way?

24 A. No.

25 Q. Did you express an opinion about it

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G. Sharp

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1 in any way?

2 A. No.

3 Q. Did you have an opinion about it?

4 A. No.

5 Q. Do you recall whether other members  
6 of the firm had an opinion about it?

7 A. I don't think so, no.

8 Q. Do you recall hearing anyone's  
9 comment about it?

10 A. No.

11 Q. Do you recall if any of the lawyers  
12 in the office worked on the preparation of the  
13 case?

14 A. Not to my knowledge, no, I don't think so.

15 Q. Do you recall whether when Ann Haight  
16 was working there she had anything to do with it?

17 A. I don't think so, no.

18 Q. Do you recall that Kay, Casto &  
19 Chaney was, on the original complaint in this case,  
20 was listed as counsel? Were you acquainted with  
21 that?

22 A. No. I've never seen the papers so I don't  
23 know.

24 Q. You didn't know why they took it off  
25 then, I gather? When the amended complaint was

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G. Sharp

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1 filed, why they weren't counsel?

2 A. Well, hell, they couldn't be under the rules  
3 of ethics if John was a party plaintiff. They  
4 couldn't be. I assume that's the reason. I don't  
5 know.

6 Q. But you don't recall it being  
7 discussed?

8 A. No.

9 Q. Did John, when he told you about the  
10 institution of the suit, either it had been or it  
11 was going to be instituted, about to be instituted,  
12 did he discuss the plaintiffs' theory of the case?

13 A. No, I don't think so. I just assumed that  
14 he knew Rosalie had cancer, lung cancer, so I  
15 assume that's the theory of the case.

16 Q. Did he discuss with you how he picked  
17 the defendants in the case?

18 A. I don't know. I assume he sued all the  
19 cigarette companies.

20 Q. Now, have you discussed the case with  
21 John Haight since the initial information that you  
22 received that it was about to be or had been  
23 instituted? Have you discussed the case with John?

24 A. Not the case per se, no.

25 Q. What discussion have you had in

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G. Sharp

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1 relation to it?

2 A. Well, we had a discussion this morning about  
3 the show on TV last night on Channel 9 about the  
4 cigarette litigation up in New Jersey.

5 Q. Did you see that program?

6 A. Yes.

7 Q. What did John say about the program  
8 this morning?

9 A. Well, he asked me if I had seen it and I  
10 said yeah. Gosh, I can't remember what else we  
11 talked about. I recall I asked him something  
12 about, do you have any idea how many of these  
13 suits have been instituted over the country.

14 Q. What were John's comments about the  
15 program?

16 A. Well, he just wanted to know if I'd seen it  
17 and I told him I had.

18 Q. Did he make any comments relating it  
19 to this case, the one we're involved with here?

20 A. No. Not about this case, no.

21 Q. When he asked you about that what did  
22 you say? What were your comments to him?

23 A. Well, he said they put one hell of a lot of  
24 time in on the damn thing, both sides, apparently.

25 Q. That's about all that was said?

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G. Sharp

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1 A. That's about all.

2 Q. Have you had any other discussions  
3 with John between the comment about the TV show  
4 yesterday and the time of your initial learning of  
5 the case?

6 A. I think we talked about Belli's case out in  
7 Santa Barbara, if I recall.

8 Q. And what were his comments about that?

9 A. Well, I don't know whether he had seen it or  
10 not. It's been some time. Shortly after the case  
11 was over and if I recall the jury was split nine  
12 to three. Some of the jurors, I recall they were  
13 quoted as saying that they couldn't tell whether  
14 the plaintiffs' lung cancer was caused by smoking  
15 or from other causes. That's basically it.

16 Q. What did John say then?

17 A. Not a whole lot. As I recall he hadn't read  
18 it. I think he was interested regarding the  
19 outcome.

20 Q. Have you had any other discussion?  
21 You had a discussion about the program yesterday.  
22 Then you had the discussion about the California  
23 case?

24 A. As far as I recall, that's mainly the  
25 discussions we've had.

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1 Q. Now, have you had any discussions  
2 with anyone from Stanley Preiser's office within  
3 this case?

4 A. No. No one.

5 Q. Have you reviewed any of the material  
6 involved in the depositions or the pleadings or  
7 answers to interrogatories, anything in this case?

8 A. I have better things to read than to read  
9 depositions in a case that doesn't concern me. No  
10 way.

11 Q. Did you know Charles Forbes and June  
12 Forbes?

13 A. Oh, yeah.

14 Q. Did you ever discuss this case with  
15 either of them?

16 A. No.

17 Q. Did you ever discuss it with Andrew  
18 J. Goodwin? Did you know him?

19 A. I know Jack.

20 Q. Do you know his wife, Joy?

21 A. Yeah.

22 Q. Did you ever discuss the case with  
23 them?

24 A. No, never did.

25 Q. Were you familiar with the fact that

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1 Mrs. Goodwin was on the initial complaint but not  
2 on the amended complaint?

3 A. As I recall, I think when I read it in the  
4 paper I think she was on it.

5 Q. Do you recall learning that she was  
6 not included as a party plaintiff in the amended  
7 complaint?

8 A. No.

9 Q. Did you ever hear a discussion of  
10 that?

11 A. No, I never did.

12 Q. Now, did you know Rosalie O'Neale's  
13 parents, Rosalie O'Neale Haight's parents?

14 A. Yes.

15 Q. Both her mother and her father?

16 A. Right.

17 Q. How well did you know them?

18 A. Oh, I'd just see them occasionally at John's  
19 house or Vince Chaney's home.

20 Q. Did you ever have any dealings with  
21 Mr. O'Neale in his capacity on the Road Commission?

22 A. No, I never did.

23 Q. Do you recall anything about their  
24 habits, smoking habits?

25 A. I'm not sure but I think both of them smoked,

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1 I believe.

2 Q. Can you recall Mrs. O'Neale smoking?

3 A. I think she did. I think both of them did.

4 I may be mistaken but I think they both did, I'm  
5 not sure.

6 Q. Can you recall Mr. O'Neale smoking?

7 A. I think he did, yes.

8 Q. Do you recall what he smoked, what  
9 type of tobacco he used?

10 A. I think cigarettes as I recall.

11 Q. Do you recall the brand that they  
12 smoked?

13 A. I have no idea, no.

14 Q. Do you recall whether they used  
15 filters?

16 A. I don't recall that.

17 Q. Did you ever have any comments from  
18 either of them about smoking?

19 A. No.

20 Q. Now, when you first knew -- when you  
21 first visited in John and Rosalie Haight's home in  
22 Charleston, which home was it?

23 A. Let's see. It was not their last home. It  
24 was the home before that. I'm trying to remember  
25 the address.

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1 Q. Staunton Avenue?

2 A. Yes, Staunton Avenue, right.

3 Q. And that was where you first visited  
4 them?

5 A. Yeah.

6 Q. Did you then go visit them after they  
7 moved, at the new address you maintained  
8 substantially the same relationship?

9 A. Right.

10 Q. Now, at the time you first visited in  
11 the Staunton Avenue home was John Haight's mother  
12 still living?

13 A. Oh, yes.

14 Q. And did you see her there?

15 A. Yes.

16 Q. Did you know her well?

17 A. Oh, just to converse with.

18 Q. Do you know whether she smoked?

19 A. It seems to me that she did. I'm trying to  
20 recall and I'm not sure but I think she did.

21 Q. Did you ever discuss smoking with her?

22 A. No.

23 Q. Do you know if she ever stopped  
24 smoking?

25 A. No, I don't know that.

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1 Q. Do you know the cause of her death?

2 A. No, I do not.

3 Q. During that period, the Staunton  
4 Avenue period when you were visiting, do you  
5 recall other people who were there?

6 A. I don't know. I'm sure Arch and Judy  
7 Alexander I'm sure were there. Probably Bill and  
8 Marianne Steed. Art Furst and his wife would have  
9 been there.

10 Q. Pardon me, I didn't hear that.

11 A. Art Furst, F-u-r-s-t.

12 Q. Are they still living in Charleston,  
13 the Fursts?

14 A. No. They're in Florida.

15 Q. Do you know where in Florida they  
16 live?

17 A. Down in the Keys someplace.

18 Q. Okay, continue.

19 A. That's a long time ago. I can't remember  
20 who else.

21 Q. When you visited them in the home on  
22 Kanawha Avenue, do you recall people who might  
23 have been there at that time other than the people  
24 you've already mentioned?

25 A. No, I can't recall any others. Members of

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1 the law firm.

2 Q. Did the law firm have social events?

3 A. Yes.

4 Q. What types did they have?

5 A. Oh, usually dinner parties. Sometimes we'd  
6 meet up at Haight's house. He had a swimming pool.  
7 Swimming parties and picnics, barbecues, things  
8 like that.

9 Q. Do you still have those?

10 A. Right.

11 Q. Even as the firm has gotten larger?

12 A. Yes.

13 Q. Did you have more of them as the firm  
14 was smaller?

15 A. Yeah, I think we had more then. Usually we  
16 have a couple dinners a year now.

17 Q. Do you have any picnic or Christmas  
18 functions?

19 A. Christmas parties, things like that.

20 Q. Who in the firm did Rosalie Haight  
21 socialize with particularly? You indicated her  
22 sister, of course, and Vivienne?

23 A. Her sister Caroline and my wife were  
24 probably the two main ones.

25 Q. Were there others that come to your

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1 mind that she seemed to have some contact with?

2 A. I doubt it. The rest of them were younger.

3 Q. What about the Tiley's when they were  
4 there?

5 A. Some.

6 Q. Nellie. Was she a friend of Nellie  
7 Tiley's?

8 A. Yeah, they were friendly.

9 Q. Saw each other often or do you know  
10 that?

11 A. Not too often I don't imagine.

12 Q. Are you familiar with any of the  
13 day-to-day operations of the Haight household,  
14 where they shopped and where they bought groceries,  
15 where they went to the drugstore or that sort of  
16 thing?

17 A. I know Rosalie used to shop at Krogers in  
18 Kanawha City, because I know she was very upset  
19 when they fired Bill Campbell up there who was the  
20 store manager. Where she shopped after that, I  
21 don't know.

22 Q. Does that indicate, would you draw a  
23 conclusion from that that she had a mind of her  
24 own about things?

25 A. Oh, yeah.

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1 Q. And would follow through if she had a  
2 strong opinion about something?

3 A. Oh, yeah.

4 Q. How did you know she was upset about  
5 the Campbell situation?

6 A. Well, she told me. Because we shopped at  
7 Krogers up there, too.

8 Q. Do you know what she did about her  
9 shopping after Mr. Campbell was no longer with  
10 Kroger?

11 A. I'm not sure whether she went to the, is it  
12 Food Land? I forget the name.

13 Q. Another store up in Kanawha City?

14 A. Yes.

15 Q. Do you know where she did other  
16 shopping, drugstore, cleaners, things like that?

17 A. No, I do not.

18 Q. Did you notice around the house when  
19 you visited their home in Kanawha City, was there  
20 any pollution that you noticed in that area that  
21 you didn't notice generally in Charleston?

22 A. No. You mean cigarette smoke?

23 Q. No, just general. General air  
24 pollution.

25 A. No.

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1 Q. You don't recall that occurring  
2 particularly?

3 A. No.

4 Q. Or where they live now on Kanawha  
5 Avenue, you don't recall anything like that?

6 A. No.

7 Q. Do you recall any discussion with  
8 Rosalie Haight about the air pollution from the  
9 chemical plants in the valley?

10 A. No.

11 Q. Did you ever discuss such things with  
12 John Haight?

13 A. Well, I'm sure I used to bitch some.

14 Q. What did you complain about?

15 A. Well, back before the C & O Railroad  
16 converted to oil, used to be grit on my front  
17 porch every day. I lived up above the C & O  
18 Station on the hill.

19 Q. That was caused by the coal burning  
20 locomotives?

21 A. Yes, coal burning locomotives. I'd comment  
22 on that every once in a while.

23 Q. What was your comment on it?

24 A. I just wished they'd quit doing it.

25 Q. Did you ever discuss the health

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1 effects of that with your wife?

2 A. No.

3 Q. Did you ever discuss it with John?

4 A. No.

5 Q. Do you recall Rosalie Haight ever  
6 mentioning the coal soot from the trains or the  
7 boats on the river?

8 A. Not that I recall.

9 Q. I would gather, see if I'm correct  
10 about this, that your children and the Haight  
11 children were never in the same school?

12 A. No.

13 Q. Do you know anything about Rosalie  
14 Haight's employment as a young woman?

15 A. Years ago she used to work for Dr. Jackson  
16 up in Kanawha City as, I guess, a receptionist.  
17 That was a long, long time ago.

18 Q. And that's the only employment that  
19 you can recall?

20 A. Yes. Well, except being a housewife is  
21 pretty good employment.

22 Q. Were the working conditions that she  
23 had when she was working in the doctor's office  
24 ever discussed with you?

25 A. No.

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1 Q. Did you know of any of the people she  
2 worked with up there at the doctor's office?

3 A. Just Dr. Jackson, I guess.

4 Q. Do you ever recall discussing with  
5 Rosalie Haight her doing volunteer work?

6 A. I'm sure Rosalie did some.

7 Q. Do you recall where she did it?

8 A. I'm trying to think. I can't remember. I  
9 can't remember at all.

10 Q. Now, what do you recall about the  
11 Haight family's leisure activities? What did they  
12 like to do to relax?

13 A. Swim, eat. That was mainly it.

14 Q. They did have a swimming pool, I  
15 believe you've indicated.

16 A. Right.

17 Q. How often did Rosalie Haight use the  
18 pool? Have you any impression about that?

19 A. Oh, I expect they used it pretty frequently.  
20 I'm sure they probably did.

21 Q. Was the pool, as you recall was the  
22 pool always filled in the warm season?

23 A. Yes.

24 Q. Do you recall, did John use the pool,  
25 also?

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1 A. Oh, yeah.

2 Q. Do you recall whether there were  
3 other activities such as taking exercises or  
4 playing other sports that Rosalie Haight engaged  
5 in?

6 A. Not that I know of, no.

7 Q. That John engaged in?

8 A. Well, John used to go up to Frankel's for  
9 their fitness program.

10 Q. Does he not do that now?

11 A. I don't believe he does it anymore. Started  
12 to look like Lawrence Frankel and got worried.

13 Q. Did you ever tell him that?

14 A. Several times.

15 Q. When Mrs. Haight, Rosalie Haight  
16 would swim, would she swim in a leisurely way or  
17 just do laps for the exercise, do you recall?

18 A. I can't recall that. I have no idea.

19 Q. What about when John -- did you see  
20 John swimming?

21 A. Oh, yes. John would get in and get out,  
22 spend a lot of time cleaning the pool.

23 Q. He didn't exercise, he didn't swim  
24 ten laps or anything like that?

25 A. No, no.

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1 Q. Would leisurely swim?

2 A. Right.

3 Q. And that's your impression of the way  
4 she used it, also?

5 A. That's my impression.

6 Q. Did they like to travel?

7 A. Oh, yeah, they used to travel a good bit in  
8 the earlier days.

9 Q. Do you know where they traveled?

10 A. Oh, hell. Canada, Europe. John is  
11 originally from Canada. I know they used to go up  
12 there every once in a while.

13 Q. Did you ever travel with them?

14 A. No.

15 Q. And your wife, did she ever travel  
16 with them?

17 A. No.

18 Q. You indicated that John didn't like  
19 to go to football games. Did Rosalie like to go  
20 to football games?

21 A. I don't know.

22 Q. Did you ever hear her comment about  
23 her desire to go or not to go?

24 A. No. I'm sure she wasn't about to go by  
25 herself.

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1 Q. Did you ever hear her try to persuade  
2 John to take her to Morgantown to the game?

3 A. I did not.

4 Q. Do you recall Rosalie Haight's  
5 reading habits?

6 A. I don't know. I think Rosalie used to read  
7 a good bit. John did, too.

8 Q. Do you know what type things Rosalie  
9 would like to read?

10 A. I think probably best sellers, things like  
11 that.

12 Q. Did they have magazines in their home?

13 A. Oh, I'm sure they did.

14 Q. What ones do you recall?

15 A. I don't know. I wouldn't have any idea.

16 Q. Do you recall, did they watch  
17 television frequently?

18 A. Yes. I know John did. Whether Rosalie did --

19 Q. Do you recall their favorite type of  
20 program they liked?

21 A. No, I do not.

22 Q. Do you recall a specific program that  
23 they particularly liked?

24 A. No.

25 Q. Do you recall any specific magazines

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1 that they enjoyed reading, or subscribed to?

2 A. Well, I know John, some of them come to the  
3 office, U.S. News and World Reports, a few things  
4 like that he gets at the office. I assume he  
5 would take them home. Magazines in their home, I  
6 have no idea.

7 Q. He subscribed personally, not the  
8 firm, but he subscribes personally at the office?

9 A. Right.

10 Q. Do you know whether he takes them  
11 home or not?

12 A. I don't know. I just assume that he would.

13 Q. What magazines would he subscribe to  
14 at the office during any period you've known him  
15 other than U.S. News and World Reports?

16 A. I can't say.

17 Q. That's the only one that you think of  
18 offhand?

19 A. Right.

20 Q. Over what period of time has he taken  
21 that magazine?

22 A. Oh, I think quite a while. How many years,  
23 I can't say. I don't know.

24 Q. Was he taking it when you first came  
25 with the firm?

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1 A. I do not know. I can't recall.

2 Q. But he's been taking it a good, would  
3 you say, more than ten years?

4 A. I couldn't say.

5 Q. Has he been taking it five years?

6 A. Probably.

7 Q. Have you an impression of how much  
8 time they spent reading?

9 A. I'd have no idea because I assume, like we  
10 do, you read when you're alone and when you have  
11 company you don't read, so there's no way the  
12 company would know.

13 Q. You didn't have an impression of that  
14 from your discussions with them, though?

15 A. John and I have talked about books we've  
16 read.

17 Q. Do you recall discussing reading  
18 material or books you've read with Rosalie?

19 A. No, I don't recall.

20 Q. What do you recall about Rosalie's  
21 cooking when you would be at their home for dinner?

22 A. You mean was she a good cook?

23 Q. Was she a good cook?

24 A. Yes, Rosalie was a good cook. She cooked a  
25 lot.

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G. Sharp

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1 Q. What type of things did she cook?

2 A. About anything.

3 Q. Some of everything?

4 A. Right, right.

5 Q. Did she have anything she especially  
6 liked to cook that you recall?

7 A. Nothing special that I recall.

8 Q. Any type of ethnic food she liked?

9 A. No, not that I recall, no.

10 Q. Do you recall, other than the  
11 swimming, do you recall whether Rosalie Haight  
12 exercised?

13 A. I'm not aware of it, no.

14 Q. Do you recall hearing it discussed by  
15 John or Rosalie?

16 A. No.

17 Q. Do you recall ever hearing her  
18 sleeping habits discussed, whether she had  
19 insomnia or problems with sleeping or anything of  
20 that sort?

21 A. As far as I know Rosalie didn't have any  
22 problem sleeping.

23 Q. Well, how would you describe Rosalie's  
24 temperment?

25 A. She was a very even tempered, nice, nice

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G. Sharp

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1 person.

2 Q. Was she a calm person?

3 A. Yes, very calm.

4 Q. Would you say she was violent in any  
5 way?

6 A. No.

7 Q. Would you say she was easy-going?

8 A. Very easy-going.

9 Q. Was she a perfectionist in any way?

10 A. No, I wouldn't say that she was hung up on  
11 being a perfectionist.

12 Q. Did she tend to be nervous?

13 A. No, not that I know of.

14 Q. Did you ever see her when you thought  
15 she was tense for some reason?

16 A. I don't believe so, no.

17 Q. Do you recall that she had any  
18 nervous habits?

19 A. I don't know. Is smoking a nervous habit?  
20 I don't know. That would be the only one that I  
21 could think of.

22 Q. Do you recall whether Rosalie Haight  
23 ever discussed with you the cholesterol problem,  
24 medical problem that you hear about these days?

25 A. No. You mean steak and eggs?

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1 Q. Yes, and whether you should watch the  
2 intake of cholesterol?

3 A. No, I don't think so.

4 Q. As you recall eating in their home,  
5 do you think there was a conscious effort to avoid  
6 those things?

7 A. No, I don't think so.

8 Q. Did you ever discuss the cholesterol  
9 heart disease problem with John?

10 A. Well, I know John was concerned with gaining  
11 weight. I think he went to Frankel's to make sure  
12 that he did stay in shape and did not have any  
13 heart problems, but as to what was said or  
14 anything, I don't know.

15 Q. You don't recall anything  
16 specifically being said?

17 A. No, no.

18 Q. Do you recall whether they used diet  
19 drinks in their home or whether they used them any  
20 other place than their home?

21 A. T.D., I don't recall.

22 Q. Do you recall whether when Rosalie  
23 fixed meals and you ate there, that the food was  
24 spicy, or how it was seasoned?

25 A. Nothing unusual in that regard. It was good.

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1 Q. Did you ever hear John discuss that,  
2 the type of food she liked or whether it was spicy  
3 or seasoned too much or less?

4 A. No.

5 Q. Do you have an impression of whether  
6 she used a lot of salt in her cooking?

7 A. No, I don't believe so.

8 Q. Do you recall whether Rosalie Haight  
9 had problems with particular foods? Do you recall  
10 discussing that or hearing it discussed?

11 A. No.

12 Q. Or whether she's ever been told to  
13 avoid a particular food?

14 A. Not that I know of, no.

15 Q. Did you know during -- say before her  
16 last illness, whether she frequently used --  
17 before she was diagnosed as having cancer, let's  
18 say, do you recall that she took drugs, over-the-  
19 counter drugs, aspirin and that sort of thing?

20 A. I don't know.

21 Q. You don't recall it being discussed  
22 at all?

23 A. Well, you don't discuss aspirin or Tylenol  
24 unless there's strychnine in it, I guess.

25 Q. You just don't recall, whether she

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1 was on prescriptions and that sort of thing you  
2 wouldn't know?

3 A. No, I wouldn't know.

4 Q. Do you recall her habits with coffee?

5 A. Yeah, I think Rosalie used to drink coffee.

6 Q. Do you recall how much coffee she  
7 would drink?

8 A. I wouldn't know how much during the day.  
9 Not as much as I do.

10 Q. Do you recall your wife discussing  
11 with you Rosalie Haight's coffee drinking pattern?

12 A. No. No, there's nothing unusual brought to  
13 my attention.

14 Q. Did you have an impression about how  
15 much coffee she would drink?

16 A. I would have no idea.

17 Q. Do you recall whether she liked soft  
18 drinks?

19 A. I have no recollection.

20 Q. Do you recall whether she liked to  
21 have an alcoholic drink from time to time?

22 A. Yes, she would have drinks.

23 Q. And how often would she have those?

24 A. God, I wasn't with her at night.

25 Q. Would you say she had one a day or

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1 two a day or one a week?

2 A. Well, I wouldn't be there a whole day or a  
3 night. I know when we'd get together we'd have  
4 some drinks.

5 Q. But on a social occasion when you  
6 would be in their home, would she tend to have a  
7 drink or two or more?

8 A. Sure, yes.

9 Q. Do you know when she started drinking?

10 A. I don't know. I have no idea.

11 Q. Did you have any way of seeing if she  
12 was drinking when she was in college?

13 A. No, because we didn't go out socially then.

14 Q. Did you ever see her have too much to  
15 drink?

16 A. No.

17 Q. Never saw her sick or anything of  
18 that sort?

19 A. No.

20 Q. Do you recall what she would drink?

21 A. Maybe scotch and/or vodka.

22 Q. Mixing them in some way?

23 A. No, no.

24 Q. She would have a drink with vodka and  
25 add a mix to it, tonic or something?

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689301025

G. Sharp

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1 A. Yes, yes.

2 Q. And then have scotch?

3 A. Yes.

4 Q. Do you recall any brands of vodka or  
5 scotch that she would drink?

6 A. I wouldn't recall that at all.

7 Q. She took no great pride in a  
8 particular brand that she liked a lot?

9 A. No, no.

10 Q. What about John, did John take a  
11 drink?

12 A. Oh, yeah.

13 Q. What were the circumstances of his  
14 drinking? Did he drink at his home?

15 A. Oh, yeah.

16 Q. How much did he drink?

17 A. I guess whatever he wanted.

18 Q. How much did he want?

19 A. I don't know.

20 Q. Did you all tend -- did the firm go  
21 to a bar and have a drink occasionally?

22 A. Well, sometimes after work in the evening  
23 we'd sit in the office and have a few drinks or go  
24 to the nearest pub.

25 Q. What pub was that?

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G. Sharp

73

1 A. Well, any of these bars around town,  
2 whichever was the closest.

3 Q. Do you recall whether -- excuse me.  
4 I interrupted you. I'm sorry.

5 A. That's okay. Go ahead.

6 Q. Do you recall whether Rosalie has  
7 ever been treated for a drinking problem of any  
8 kind?

9 A. No.

10 Q. Did you ever hear Rosalie Haight  
11 comment about John's drinking?

12 A. No.

13 Q. Pro or con?

14 A. No.

15 Q. Did you ever hear John comment about  
16 Rosalie's drinking, pro or con?

17 A. No.

18 Q. Are you familiar with any of the  
19 family history of the O'Neale family? Well,  
20 except --

21 A. Two daughters, then they had a son Malcolm  
22 who lives in Florida. I mean, what do you mean  
23 family history?

24 Q. I mean, you don't know any of the  
25 family beyond those people, say her parents and

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G. Sharp

74

1 her siblings?

2 A. No, no.

3 Q. And the children, of course.

4 A. No.

5 Q. You don't know her aunts or uncles or  
6 cousins or where they were from?

7 A. No.

8 Q. Do you recall where the O'Neale  
9 family was from?

10 A. They lived here in Charleston. Then I think  
11 they lived in Fairmont for a while, then came back  
12 to Charleston.

13 Q. You didn't know where Mr. O'Neale,  
14 Rosalie's father was raised or his family was from?

15 A. No, I do not.

16 Q. What about Mrs. O'Neale?

17 A. I think Mrs. O'Neale, seems to me she was  
18 raised in Elkins, I believe. I may be mistaken,  
19 I'm not sure.

20 Q. But you don't know for sure?

21 A. No.

22 Q. Did you ever hear any comments -- her  
23 maiden name was Alverson?

24 A. I think that's right.

25 Q. Did you ever hear her comment or

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G. Sharp

75

1 anybody in the family comment about there being a  
2 lot of cancer in the Alverson family?

3 A. I never heard it mentioned.

4 Q. Now, are you familiar with the fact  
5 that Vince and Caroline Chaney were in an airplane  
6 accident in the early '70s?

7 A. Oh, yes.

8 Q. Were you with the firm at that time?

9 A. Yes, right.

10 Q. Do you recall what happened to  
11 Caroline in that accident?

12 A. She got beat all to hell, I know that. She  
13 had some broken bones. She was pretty badly  
14 injured.

15 Q. Do you know if she recovered from the  
16 results of that accident?

17 A. Well, I don't guess she really did. Well,  
18 it's a question of what caused the cancer. I know  
19 either about the time she was recovering or  
20 something they discovered she had cancer and she  
21 was in chemotherapy and all that over in Bethesda.

22 Q. Do you recall what type of cancer she  
23 had?

24 A. I'm not an expert on cancer. I don't know.

25 Q. Are you able to say in what part of

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G. Sharp

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1 the body it was located?

2 A. As I recall it was in her back. I don't  
3 know whether it was -- I guess it must have been a  
4 muscular cancer, I assume, because I don't think  
5 at that time it was in the kidneys or anything.

6 Q. Do you understand from the time while  
7 she was recovering from the accident she had  
8 treatment for cancer after that?

9 A. Well, Dave Grey as I recall did an  
10 exploratory and decided she had cancer and there  
11 was nothing he could do, so Vince got all the  
12 medical records and went to Bethesda and they said  
13 they thought they could help her. So she went  
14 over there and she was treated with chemotherapy  
15 and was in remission for a number of years.

16 Q. How long was she treated for over  
17 there as you recall?

18 A. Oh, she was over there for a period of time,  
19 and then after that she had to make periodic trips  
20 back.

21 Q. How often did those trips take place?

22 A. I don't know. Maybe once a month, once  
23 every two weeks, something like that.

24 Q. Is it your impression she was taking  
25 those trips from the time she first went there

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G. Sharp

77

1 while she was recovering from the accident, or  
2 shortly after that until the time of her death  
3 that she was in contact with Bethesda?

4 A. I think off and on. I mean, I think it came  
5 to a point where she had a remission, and I think  
6 at the end she'd go back every once in a while for  
7 a checkup as I recall to see if everything was  
8 still in remission.

9 Q. Do you recall how long the remission  
10 lasted?

11 A. God, it was a number of years.

12 Q. Did you ever hear anyone comment to  
13 you about the cause of that cancer?

14 A. No.

15 Q. Did you know Malcolm O'Neale, Rosalie  
16 and Caroline's brother?

17 A. Oh, yeah.

18 Q. How well would you know him?

19 A. Well, whenever he would visit here we'd get  
20 together.

21 Q. Do you know anything about his health?

22 A. Oh, I think Malcolm is in good health.

23 Q. Do you recall whether he smoked?

24 A. I don't recall.

25 Q. Are you familiar as to whether the

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G. Sharp

78

1 children of Rosalie and John Haight smoked?

2 A. I know Ann does not. Whether Pat and Will  
3 do or not I'm not certain. I can't recall.

4 Q. Have you ever heard them comment  
5 about their mother smoking?

6 A. No.

7 Q. Have you ever heard John comment  
8 about his children smoking?

9 A. No, never have.

10 Q. Did you tell me you didn't know  
11 whether Malcolm O'Neale smoked or not?

12 A. I'm trying to recall and he could or he may  
13 not, I don't know.

14 Q. Did you ever hear Malcolm comment  
15 about smoking to Rosalie or John Haight?

16 A. No.

17 Q. Or did he comment to you in any way?

18 A. No.

19 Q. Now, does Vince Chaney smoke?

20 A. No.

21 Q. Have you ever heard him comment about  
22 smoking?

23 A. No, I never did. Sometimes I wondered how  
24 he tolerated it all. His wife Caroline smoked.

25 Q. Did he ever discuss with you her

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G. Sharp

79

1 smoking?

2 A. No.

3 Q. Did you ever hear it discussed  
4 between him and anyone else?

5 A. No. He's very tolerant.

6 Q. You indicated that your wife Vivienne  
7 had smoked and had quit off and on from time to  
8 time?

9 A. Right.

10 Q. Did you ever hear a discussion  
11 between your wife and Rosalie Haight about  
12 stopping smoking?

13 A. No, I don't think so. I mean, they could  
14 have had a conversation and I was not a party  
15 party to it, I don't know.

16 Q. Did your wife ever mention that she  
17 had a conversation of that type or generally?

18 A. No, not to my knowledge.

19 Q. Did your wife ever tell you why she  
20 quit smoking from time to time?

21 A. She just thought it was a dirty habit.

22 Q. Did she discuss her health, the  
23 effects on her health?

24 A. No.

25 Q. Do you think she just got disgusted

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G. Sharp

80

1 with the dust, the ashes and that sort of thing?

2 A. Yes.

3 Q. Did she ever try and persuade you to  
4 stop?

5 A. Yes.

6 Q. Has she given up?

7 A. I'm sure she has. I've agreed not to smoke  
8 in the bedroom and that's the only concession  
9 she's got.

10 Q. Did your wife ever object to other  
11 people smoking?

12 A. No.

13 Q. Other than you?

14 A. No, not that I know of.

15 MR. KAUFFELT: Let's quit for lunch  
16 until about one o'clock.

17 THE WITNESS: How much longer do you  
18 have with me?

19 MR. KAUFFELT: We're moving right  
20 along.

21 (Luncheon recess taken)

22 - - - - -

23  
24 AFTERNOON SESSION

25 BY MR. KAUFFELT:

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G. Sharp

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1 Q. Mr. Sharp, you had mentioned that you  
2 were Compensation Commissioner. Can you give me  
3 the dates of that one more time to the best of  
4 your recollection.

5 A. I think that was early February up to the  
6 middle of '58, as I recall.

7 Q. And you left as Compensation  
8 Commissioner to go to Kay, Casto & Chaney?

9 A. Right.

10 Q. That would have been in the middle of  
11 '58?

12 A. Right.

13 Q. Now, you mentioned that you went to  
14 dances with the Haight's and other people?

15 A. Right.

16 Q. What type of dances were you speaking  
17 of?

18 A. They had some dance clubs around here.

19 Q. Do you recall the names of any?

20 A. Cotillion. I forget the names of them.  
21 There were about four, I think.

22 Q. When you would go to these dances,  
23 what was the format of the dance, can you recall  
24 that?

25 A. Everybody went in, sat down, drank, danced.

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689301035

G. Sharp

82

1 Q. There were tables around?

2 A. Ate, right.

3 Q. Smoked cigarettes?

4 A. Smoked cigarettes.

5 Q. When it was over you went home?

6 A. That's right. Or went out someplace to eat.

7 Q. Yes, indeed. Do you recall who other  
8 members of the group were that you went to those  
9 dances with besides the Hights?

10 A. Oh, gosh. Hundreds of people.

11 Q. Any names come to mind?

12 A. Vincent and Caroline Chaney went, Bill Steed  
13 and his wife, Bill Allbright and his wife. I  
14 don't know.

15 Q. Those are the ones that come to mind?

16 A. Yes.

17 Q. Do you remember who other members of  
18 the club other than your group were?

19 A. No. Wendell Moore and his wife. I just  
20 can't recall.

21 Q. Where were these dances held?

22 A. Daniel Boone Hotel ballroom, sometimes maybe  
23 Edgewood. Most of them were at the Daniel Boone.

24 Q. Wendell Moore and his wife live in  
25 Charleston now, do they not?

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G. Sharp

83

1 A. Right.

2 Q. The Steeds live in Charleston; is  
3 that correct?

4 A. Yes.

5 Q. Who else you mentioned?

6 A. Bill Allbright.

7 Q. Where do they live?

8 A. They live in Charleston.

9 Q. You see them occasionally, still?

10 A. Yes.

11 Q. When you were with -- when you were  
12 with Rosalie, did Rosalie ever indicate to you  
13 that she enjoyed smoking?

14 A. No, she never said anything about it. I  
15 assume she did.

16 Q. But she didn't comment --

17 A. No, she didn't comment pro or con, no.

18 Q. Now, you indicated that you went to  
19 barbecues at their home occasionally or they at  
20 yours, perhaps?

21 A. Yes.

22 Q. Did she fix and like to fix barbecues?

23 A. John did most of that.

24 Q. And how did they go about doing it?

25 A. Had a grill, put the steaks or chicken,

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G. Sharp

84

1 whatever it was, on it.

2 Q. And what caused the heat?

3 A. Charcoal.

4 Q. Used charcoal grills?

5 A. Right.

6 Q. Did you necessarily mean they used a  
7 barbecue sauce or that's just an expression?

8 A. No, barbecue steaks.

9 Q. Cook-out?

10 A. Cook-out, right.

11 Q. Did they do that very often?

12 A. Well, probably fairly often. How often, I  
13 don't know.

14 Q. You were there with them occasionally?

15 A. Yeah, sometimes on weekends.

16 Q. How long did you continue doing that,  
17 from what period of time?

18 A. Oh, gosh, I don't know. Period of several  
19 years.

20 Q. From the time you renewed your  
21 acquaintance with them in '58, how long?

22 A. Oh, probably 10, 15 years.

23 Q. Did it stop at some period of time?

24 A. I think so, yeah.

25 Q. Now, other than the people you have

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G. Sharp

85

1 mentioned in college that were friends, can you  
2 think of other people, anyone else that was  
3 particularly a friend of Rosalie Haight's in  
4 college?

5 A. Other than the names I've given you, I can't  
6 recall.

7 Q. Did you ever go to the old Press Club  
8 and Army and Navy Club?

9 A. Oh, yeah.

10 Q. Did the Hights ever go there with  
11 you?

12 A. Oh, yeah. Army and Navy Club especially.

13 Q. When did you start doing that?

14 A. From the time I first came to Charleston on  
15 up until the Army and Navy Club closed I guess.

16 Q. Do you recall when that was?

17 A. Well, along about the time that the liquor  
18 drink passed in West Virginia all these other  
19 restaurants and clubs started opening up. The  
20 Army and Navy Club folded.

21 Q. Before there were illegal clubs or  
22 there were clubs, legal or illegal, and you'd go  
23 there and have drinks and meals, right?

24 A. Yes.

25 Q. Would the Hights have a drink there

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G. Sharp

86

1 with you and eat with you?

2 A. Sure, yeah.

3 Q. Would they do that frequently?

4 A. Quite a number of weekends out of the month.

5 Q. Several weekends a month?

6 A. Yeah.

7 Q. What about The Press Club?

8 A. They didn't belong to The Press Club.

9 Q. Did you belong to that?

10 A. No. We had friends that belonged to The  
11 Press Club and we were not with them.

12 Q. Were you ever there with the Hights?

13 A. No.

14 Q. You understand The Press Club was  
15 substantially the same type of organization that  
16 the Army and Navy Club was, was it not?

17 A. Right.

18 Q. Did it close also?

19 A. Yeah.

20 Q. Mr. Sharp, what type of legal work do  
21 you do?

22 A. Oh, practice general law, little bit of  
23 everything.

24 Q. Do some general corporate work?

25 A. Yeah.

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G. Sharp

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1 Q. Whatever your firm has that needs to  
2 be done, is that reasonable?

3 A. Yeah. I'll try anything.

4 Q. In recent years has it tended to be  
5 more toward one thing than another?

6 A. I don't know. Our work has grown. I guess  
7 we do more medical malpractice than we used to  
8 because the medical malpractice field has grown.

9 Q. Who does your firm normally represent  
10 in that type of litigation?

11 A. Doctors, hospitals.

12 Q. Are you involved in those cases?

13 A. Some of them, not as much as other people in  
14 the firm.

15 Q. Who are the principals that do that  
16 type of work?

17 A. Don Sensabaugh, John Haight, mainly.

18 Q. Is there a leader in the firm on that  
19 sort of thing?

20 A. Well, I guess they more or less divide up  
21 the work. I do very little medical malpractice.

22 Q. You used to do some of that also, you  
23 say?

24 A. Yes.

25 Q. Have you done or do you do in your

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G. Sharp

88

1 firm product liability defense?

2 A. Right.

3 Q. Are you involved in that?

4 A. Yes.

5 Q. Is there anyone particular in the  
6 firm who is particularly involved in that sort of  
7 thing?

8 A. Oh, I guess I probably do as much as anybody  
9 does.

10 Q. Would you give us some examples of  
11 the type of products that you have defended?

12 MR. FARRELL: I'm going to pose an  
13 objection at this time simply because we've gone  
14 so far astray of relevancy that I think the record  
15 should reflect that this witness' field of legal  
16 specialization cannot possibly have any bearing on  
17 Rosalie Haight's claim or her estate.

18 Q. You want to answer that, George.

19 A. I've got a lot of asbestosis work, Ford  
20 Motor Company product liability work, Crysler  
21 Motors, John Deer. Gosh, I don't know how many.

22 Q. Now, I think I asked you about what  
23 you discussed about this suit with John Haight.  
24 Did you ever discuss the suit before it was  
25 brought with Rosalie Haight?

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G. Sharp

89

1 A. I can't remember whether he told me about it  
2 either before the suit was brought or after it was  
3 brought. I know he did mention it.

4 Q. I mean with Rosalie.

5 A. No, I never discussed it with Rosalie at all.

6 Q. You don't recall ever discussing this  
7 suit before or after, up till her death?

8 A. No.

9 Q. Do you recall what brands of  
10 cigarettes Rosalie Haight smoked?

11 A. No, I do not.

12 Q. Do you recall if she smoked -- you  
13 indicated in Morgantown that she smoked, that  
14 everybody smoked, as if you didn't specifically  
15 remember. Do you specifically remember that she  
16 smoked while you were in Morgantown?

17 A. Not specifcily, no.

18 Q. Now, you indicated that you had  
19 switched brands from time to time. I think you  
20 said you went from Lucky Strikes to, what was the  
21 other?

22 A. Philip Morris.

23 Q. And then to?

24 A. Marlboro.

25 Q. What brought about your change of

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G. Sharp

90

1 brands?

2 MR. FARRELL: Objection. That's been  
3 asked and answered.

4 A. I don't know.

5 Q. Do you recall there was talk of  
6 taking a video deposition of Rosalie Haight while  
7 she was living?

8 A. No.

9 Q. Did you ever hear that discussed at  
10 all?

11 A. I never did, no.

12 Q. Did you ever learn from your own  
13 knowledge or from a conversation with anyone  
14 around what period in her life Rosalie Haight  
15 started smoking?

16 A. No, I don't recall.

17 Q. When was the first time that you can  
18 specifically say, I remember that I know that she  
19 smokes?

20 A. Well, I know definitely after I joined the  
21 firm, I know she was smoking then.

22 Q. Do you recall what brand she smoked?

23 A. I have no idea.

24 Q. Do you recall any brand that she  
25 smoked?

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G. Sharp

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1 MR. FARRELL: Objection. That's been  
2 asked and answered.

3 A. No.

4 Q. Are you able to say in the periods  
5 when you were around Rosalie Haight how much she  
6 smoked in those periods?

7 A. Gosh, I don't know.

8 Q. Was she a chain smoker?

9 A. No, she wasn't a chain smoker. I guess she  
10 would smoke her fair share, whatever that is.

11 Q. Did she smoke about as you would?

12 A. Probably, yeah.

13 Q. Do you know whether she inhaled?

14 A. I'm sure she did.

15 Q. Do you have any knowledge of any  
16 particular time that she would not smoke?

17 A. Personal knowledge, no.

18 Q. Did anyone ever tell you anything  
19 about when she would or any time she wouldn't  
20 smoke? Did John ever mention it?

21 A. Well, I know when she was over in Bethesda  
22 in treatment, chemotherapy and all that, my wife  
23 and I went over and took her out to lunch, and she  
24 didn't smoke then.

25 Q. That's after the diagnosis of cancer?

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G. Sharp

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1 A. Yeah, right. That's the only time that I  
2 have any recollection.

3 Q. Did you go there just to visit her or  
4 were you going to be there?

5 A. I forget whether we were over there visiting  
6 my daughter and her husband. I forget what reason  
7 we were over there but we did drive up to Bethesda.

8 Q. Were you ever with Rosalie in any  
9 periods when she was trying to stop smoking, that  
10 you recall?

11 A. Not that I recall.

12 Q. Did you ever hear her discuss  
13 attending any kind of a program to stop smoking?

14 A. Not to my knowledge, no.

15 Q. Did you ever hear any discussions  
16 with John or her children about her stopping  
17 smoking or trying to?

18 A. No.

19 Q. Did Mrs. Haight ever smoke when she  
20 was in restaurants when you were there?

21 A. Oh, I'm sure, yeah.

22 Q. No difference there than other places?

23 A. No, there would be no difference.

24 Q. Did you ever go to see plays with  
25 them and that sort of thing?

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G. Sharp

93

1 A. I don't think they went to plays.

2 Q. Did they go to the movies sometimes  
3 or do you recall?

4 A. They didn't go much to the movies, either.

5 Q. Have you ever observed whether  
6 Rosalie Haight used a filter cigarette or some  
7 other holder or something of that sort? Let's  
8 limit it to filter cigarettes.

9 A. It seems to me that she smoked filters. I  
10 couldn't swear to that but that's my impression.

11 Q. Did you ever notice her using a  
12 cigarette holder?

13 A. No.

14 Q. Did you ever discuss with Rosalie  
15 Haight smoking and health?

16 A. No.

17 Q. Did she ever comment to you that she  
18 smoked filters and why?

19 A. No.

20 Q. Have you ever heard comments from  
21 Rosalie's children about her smoking?

22 A. No.

23 Q. Did you ever discuss with Rosalie  
24 Haight the anti-smoking warnings that were on the,  
25 packages of cigarettes?

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G. Sharp

94

1 A. No.

2 Q. Did you ever discuss the advertising  
3 that was done on the television or radios about  
4 smoking?

5 A. No.

6 Q. Did you ever discuss with her the  
7 Surgeon General's report?

8 A. No.

9 Q. Do you recall whether, although you  
10 don't remember the brands, do you recall whether  
11 Rosalie Haight smoked a low tar or nicotine  
12 cigarette?

13 A. I wouldn't be able to recall that, either.  
14 I don't know.

15 Q. You never heard her comment on it to  
16 you?

17 A. No.

18 Q. Did Rosalie Haight ever discuss with  
19 you the fact that someone had attempted to  
20 persuade her to stop smoking?

21 A. No. I mean, not that I recall.

22 Q. Have you ever urged her to quit  
23 smoking?

24 A. No.

25 Q. Have you ever complained about her

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G. Sharp

95

1 smoking or about the amount she smoked?

2 A. No. I was not in the position to complain.

3 Q. Did you ever have any discussion with  
4 Rosalie Haight about her changing brands of  
5 cigarettes?

6 A. No, not that I recall.

7 Q. Did Rosalie Haight ever discuss with  
8 you articles she might have read regarding the  
9 possible harm that results from drinking?

10 A. No.

11 Q. From diet drinks?

12 A. No.

13 Q. From bacon?

14 A. No.

15 Q. Or eggs?

16 A. No.

17 Q. Do you recall that she discussed air  
18 pollution with you?

19 A. No.

20 Q. Or automobile emissions?

21 A. No.

22 Q. Did you indicate whether or not you  
23 had ever had any discussions with Rosalie about  
24 her efforts to quit smoking?

25 A. I think you asked me that and I never had

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1 any discussions.

2 Q. Did you ever see her do anything or  
3 react in some way to give you the impression she  
4 was trying to stop smoking?

5 A. Well, the only thing, at Bethesda I know  
6 that she had stopped smoking, but nothing prior to  
7 that.

8 Q. Nothing prior to that?

9 A. Nothing prior to that.

10 Q. When you met with her in Bethesda, I  
11 believe you said you had lunch with her?

12 A. Right.

13 Q. Did you smoke at that time?

14 A. My wife gave me orders not to smoke around  
15 her.

16 Q. And you didn't?

17 A. And I didn't.

18 Q. Was the subject of smoking discussed  
19 at that luncheon at all?

20 A. Well, I went back to the men's room to have  
21 a cigarette and they chided me, said I didn't need  
22 to leave the table. That was all.

23 Q. That's the only thing that came up?

24 A. Right.

25 Q. Did she indicate to you about her

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1. quitting at that time?

2. A. No. My wife had told me that she had quit.

3. And she didn't smoke that day.

4. Q. No other comment was made?

5. A. No.

6. Q. Did your wife indicate how she had  
7. gone about quitting?

8. A. No, she had not.

9. Q. Did you ever discuss anything about  
10. cigarette advertising with Rosalie Haight to your  
11. knowledge?

12. A. No. I didn't discuss it with anybody.

13. Q. Did Rosalie Haight ever indicate to  
14. you why she smoked any particular brand of  
15. cigarettes?

16. A. No.

17. Q. Do you recall whether Rosalie Haight  
18. ever asked you for a cigarette when she was out?

19. A. She well may have and I may have asked her  
20. for one. That could be, I don't know.

21. Q. Do you specifically recall?

22. A. No independent recollection.

23. Q. During the period that you've known  
24. Rosalie Haight and up until her diagnosis of  
25. cancer, were you conscious of any medical problems

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1 that she had?

2 A. No, I don't believe so. Except for child  
3 bearing, I don't know that she was ever in the  
4 hospital until this last problem arose.

5 Q. Did you ever hear John discuss,  
6 before her diagnosis did you ever hear John  
7 discuss her health?

8 A. No, I don't believe so. There really wasn't  
9 much reason that I know of. She always seemed to  
10 be in good health.

11 Q. Did you ever notice that Rosalie  
12 Haight ever had a problem with a chronic cough?

13 A. I don't know. I don't believe so.

14 Q. Did I ask you whether you had ever  
15 heard John Haight indicate that he was taking  
16 steps to see if he could get her to quit smoking,  
17 that's up to her having been diagnosed as having  
18 cancer?

19 A. No, I don't recall that.

20 Q. Did you ever have a conversation with  
21 any of the physicians that treated her for cancer?

22 A. With her physicians. No, I did not.

23 Q. Do you know who they were?

24 A. Some of them over in Bethesda. Let's see.  
25 I'm not sure whether Dave Grey was taking care of

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1 her here or not, I don't know. I'm not sure.

2 Q. Were you ever with Rosalie Haight  
3 when she had trouble swallowing?

4 A. Not that I know of, no.

5 Q. Do you know whether she was ever  
6 taking tranquilizers, before her last illness,  
7 perhaps?

8 A. I wouldn't know.

9 Q. Do you know anything about any  
10 accidents Rosalie Haight may have had?

11 A. No, I do not.

12 Q. Do you know of any court proceedings  
13 that Rosalie Haight ever brought, excluding this  
14 present case?

15 A. Well, they filed a petition for the adoption  
16 of their first child.

17 Q. Other than that?

18 A. Other than that, I don't know of any other  
19 court proceeding.

20 Q. Now, did you ever notice in the  
21 relationship of Rosalie, say, and her children,  
22 that she was under stress?

23 A. No. I don't think any more than any other  
24 parent with three children would be, no.

25 Q. Did you ever notice any stressful

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1 situations between Rosalie Haight and John Haight?

2 A. No.

3 Q. Do you know of any stressful  
4 situations that she had regarding other people  
5 that worked in the office?

6 A. None that I know of, no.

7 Q. Or that worked for John?

8 A. No.

9 Q. Did John have any particularly young  
10 lawyers that worked for him that were in the  
11 office?

12 A. No. That was sort of spread around,  
13 grabbing who was available.

14 Q. Did he have paralegals there or  
15 anyone that worked for him?

16 A. Yes.

17 Q. Who?

18 A. Let's see, he hasn't used paralegals  
19 particularly, no.

20 Q. Did John have his own secretary,  
21 private secretary?

22 A. Right.

23 Q. Did anyone else use her in the office?

24 A. Yeah. Let's see. I forget who else uses  
25 her.

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1 Q. What's her name?

2 A. Lois Harper.

3 Q. And how long has she worked there?

4 A. Oh, God. Probably at least 20 years.

5 Q. Did she know Rosalie Haight?

6 A. Oh, yeah.

7 Q. What was their relationship?

8 A. It was good. I know Lois would babysit if  
9 they were out of town.

10 Q. There was no strain between them or  
11 stress?

12 A. No, no.

13 MR. KAUFFELT: Can we take a short  
14 break now and then we may have good news for you.

15 THE WITNESS: Sure, go ahead. Be my  
16 guest.

17 (Brief recess taken)

18 BY MR. KAUFFELT:

19 Q. Just a last few questions. What was  
20 your personal reaction to smoking at the time the  
21 warnings appeared on the packs? I think it was  
22 substantially the same time that the Surgeon  
23 General's report on smoking came out.

24 MR. FARRELL: I'm going to object to  
25 the question because it's not factually correct.

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1 The warnings and Surgeon General's report did not  
2 coincide.

3 MR. KAUFFELT: All right. I'll  
4 accept that, Mr. Farrell. I'm mistaken.

5 Q. Do you know when the Surgeon General's  
6 report came out?

7 A. I remember when it came out. The year, I  
8 don't know.

9 Q. What was your reaction to it?

10 A. It was like these little things, eating  
11 steak and eggs will cause high cholesterol and  
12 give you a heart attack, or if you use saccharin  
13 you'll die. They come out with some funny things.

14 Q. Are you telling me in effect that you  
15 didn't pay much attention to it yourself?

16 A. That's right.

17 Q. Didn't affect you in any way?

18 A. No.

19 Q. Is it the same with the warnings  
20 going on the packs?

21 A. Right. May affect me later, T.D., and then  
22 I'm going to be after you.

23 Q. Did you ever discuss either of those  
24 subjects with Rosalie?

25 A. No, I did not, no.

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1 Q. Did you ever discuss politics with  
2 Rosalie Haight?

3 A. Well, we used to talk about Wally Stowers  
4 over in Lincoln County and some of those people  
5 but basically not too much, no.

6 Q. Did you ever talk about religion with  
7 her?

8 A. No, did not.

9 Q. Did you have discussions with her at  
10 any time in which you had a disagreement with her,  
11 you had different opinions?

12 A. Oh, I'm sure we probably did.

13 Q. Did she normally maintain her own  
14 opinion and argue about it?

15 A. Oh, absolutely, sure.

16 Q. Are there any examples that you could  
17 think of?

18 A. No, I can't think of any offhand.

19 Q. Would you describe her as a woman of  
20 strong will?

21 A. Yeah, she was a very strong willed, fine  
22 person, yes.

23 Q. Did Kay, Casto & Chaney ever  
24 represent American Brands? Are you familiar with  
25 that?

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1 A. Not that I know of, no.

2 MR. KAUFFELT: Thank you very much,  
3 George, for your patience.

4 THE WITNESS: You mean that's it?

5 MR. KAUFFELT: Yes. Mr. Sharp, as  
6 you know, you have the right to read this  
7 transcript and sign it, or you can waive that  
8 right.

9 THE WITNESS: I'll waive it.

10 (Deposition concluded at 1:50 p.m.)

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C E R T I F I C A T E

I, NANCY C. BENDISH, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that prior to the commencement of the examination the witness and/or witnesses were sworn by me to testify the truth, the whole truth and nothing but the truth.

I do further certify that the foregoing is a true and accurate computer-aided transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither of counsel nor attorney for any party in this action and that I am not interested in the event nor outcome of this litigation.

Nancy C. Bendish

Notary Public of the State of New Jersey  
Certificate Number XI00836  
My commission expires May 11, 1986.

Dated: 3/7/86

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